S T A T E O F N E W Y O R K

8121

2011-2012 Regular Sessions

I N A S S E M B L Y

June 2, 2011

Introduced by M. of A. HOYT -- read once and referred to the Committee on Education

AN ACT relating to authorizing the state of New York to provide special education programs or services to students with disabilities at the same level as required by the federal government

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Notwithstanding any other provisions of law, rule or regulation to the contrary, all school districts shall be required to conform with all federal laws and regulations relating to special education programs and services to be provided to students with disabilities. No state law or regulation shall impose any additional mandate or procedural requirement for special education students on school districts except as provided in section two of this act.

S 2. There shall be an advisory committee established to review the current laws and regulations of the state of New York relating to special education. The advisory committee shall consist of representatives of parents, teachers, principals, superintendents of schools, school boards, school district and board of cooperative educational services officials and other interested parties, as determined by the commissioner of education. The advisory committee shall review New York state laws and regulations relating to special education which are in effect on the date upon which this act is signed into law. The advisory committee shall consider the programmatic impact, educational impact, financial impact and other impacts as the committee deems necessary of each law and regulation relating to special education. The advisory committee shall take into account the impacts of such laws and regulations to make an evaluation of each state law and regulation above the federal level and recommend which laws and/or regulations should remain in effect after July 1, 2013. Upon such recommendation, the department of education shall submit to the legislature on or before January 1,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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2013, a report outlining the laws recommended by the advisory committee to remain in effect above the level required by the federal government. The legislature shall take action to exempt such laws from section one of this act. Any such state law relating to special education programs and services to be provided to students with disabilities not renewed by the legislature on or before June 30, 2011 shall be deemed repealed subject to section one of this act. The addition, amendment and/or repeal of any rule or regulation necessary for the implementation of the advisory committee's recommendations are authorized and directed to be made and completed by the commissioner of education on or before June 30, 2011.

S 3. This act shall take effect immediately; provided that section one of this act shall take effect July 1, 2013.